



TACIR INSIGHT

TENNESSEE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

226 ANNE DALLAS DUDLEY BOULEVARD, SUITE 508, NASHVILLE, TENNESSEE 37243 • WWW.TN.GOV/TACIR

DISTRICT ATTORNEY STAFFING NEEDS AND MUNICIPAL COURTS OF CONCURRENT JURISDICTION

Background

Twenty-three cities in Tennessee have municipal courts with concurrent jurisdiction. State law requires district attorneys (DAs) to prosecute cases involving violations of state criminal statutes in these courts where the city supplies “sufficient personnel,” but it doesn’t define what is sufficient or whether it includes funding for DA staff. DAs say these courts add to their workload—but not their total caseload—because it is another court for them to staff. In the 113th General Assembly, Senate Bill 2054 by Senator Jackson and House Bill 2205 by Representative Barrett would have required cities with these courts to fund at least one assistant district attorney (ADA) position for their DA and granted the DA sole discretion to determine whether the city needed to fund additional DA staff.

Representatives for cities opposed the bill, raising several concerns, including that the bill would have allowed DAs to make funding decisions for the city and might have superseded existing funding agreements that some cities have with their DA. Several cities questioned why they should fund a full-time ADA when their courts meet infrequently. And some said their courts already operate on tight budgets, or even at a loss, and that if required to fund a full-time ADA, they might give up their concurrent jurisdiction, transferring their criminal cases to their county general sessions court. In some judicial districts, transferring a large case volume to general sessions court could create costs.

Public Chapter 369, Acts of 2025, authorizes counties to adopt and levy a new court cost on defendants, including those in municipal courts of concurrent jurisdiction, with the revenue to be used for “promoting public safety at the sole discretion of the district attorney general.”

Findings and Recommendations

The commission recommends that

- the state undertake a weighted caseload study as soon as feasible to establish the staffing needs of district attorneys based on all the courts they serve, including municipal courts with concurrent jurisdiction and that
- in the interim, each city with a municipal court of concurrent jurisdiction that does not already have an existing funding arrangement with its DA or that does not have to collect the new court cost under Public Chapter 369, Acts of 2025, consider negotiating a per diem payment for DA staff.

See TACIR’s full report at the following link for additional information: <https://www.tn.gov/tacir/tacir-publications.html>.